

Message Text

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ACTION EUR-03

INFO OCT-01 ISO-00 ONY-00 SS-15 CCO-00 /019 W
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P 281430Z MAR 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC PRIORITY 9665

C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 05965

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FOR GARRISON FROM MATLOCK

E.O. 11652: GDS
TAGS: OGEN
SUBJECT: OFFICIAL-INFORMAL

RE STATE 71704, WE PROPOSE THE STATEMENT BELOW ON POLICY
TOWARD DISSIDENT CONTACTS AND USE OF THE POUCH. IF YOU
SEE ANY PROBLEMS WITH IT, LET US KNOW.

1. DISSIDENT AND REFUSENIK CONTACTS. IT REMAINS EMBASSY
POLICY TO ATTEMPT TO INCREASE THE NUMBER OF EMBOFFS WHO
HAVE CONTACTS WITH DISSIDENTS AND REFUSENIKS. RESPONSIBILITY
FOR PROVIDING POLICY GUIDANCE AND MONITORING THE
FREQUENCY AND TYPE OF CONTACTS RESTS WITH THE AMBASSADOR
AND ON A DAY-TO-DAY BASIS WITH SENIOR EMBASSY OFFICERS.
TO ENSURE THAT THESE RESPONSIBILITIES ARE MET, THE EMBASSY
HAS ESTABLISHED THE FOLLOWING GUIDELINES FOR ITS OFFICERS:

-- EMBOFFS WHO INTEND TO HAVE CONTACT WITH PROMINENT
DISSIDENTS MUST OBTAIN ADVANCE APPROVAL FROM THE
AMBASSADOR OR CHARGE, NO MATTER WHERE THE CONTACT IS TO
TAKE PLACE.

-- NO ADVANCE APPROVAL IS REQUIRED FOR CONTACTS WITH NON-
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PROMINENT REFUSENIKS IF THE CONTACT IS TO OCCUR IN
EMBOFF'S HOME, BUT POLITICAL SECTION SHOULD BE KEPT
INFORMED OF EMBOFF'S INTENDED CONTACT AND OF RESULTS.

-- AMBASSADOR OR CHARGE MUST APPROVE IN ADVANCE ALL
CONTACTS WITH DISSIDENTS AND REFUSENIKS WHICH ARE TO TAKE
PLACE IN THE LATTERS' HOMES. SUCH CONTACTS ARE

DISCOURAGED UNLESS NO ALTERNATIVE CAN BE FOUND.

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-- THE EMBASSY ENCOURAGES APPROPRIATE SOCIAL CONTACT WITH SOVIET OFFICIALS AND WITH ORDINARY SOVIET CITIZENS, AND NO ADVANCE APPROVAL IS REQUIRED FOR SUCH CONTACTS.

2. USE OF POUCH. EMBASSY POLICY ON USE OF POUCH IS GUIDED BY INTERNATIONAL AGREEMENTS TO WHICH THE U.S. IS SIGNATORY, STATE DEPARTMENT REGULATIONS AND OFFICIAL INTERPRETATIONS OF THOSE REGULATIONS.

THE MOST IMPORTANT OF THE INTERNATIONAL TREATIES IS THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS, WHICH STATES IN ARTICLE 27 THAT DIPLOMATIC POUCHES "MAY CONTAIN ONLY DIPLOMATIC DOCUMENTS OR ARTICLES INTENDED FOR OFFICIAL USE." CORRESPONDING TO THIS ARTICLE ARE A SERIES OF STATE DEPARTMENT REGULATIONS ON THE USE OF THE POUCH, THE MOST RELEVANT OF WHICH STATE AS FOLLOWS:

-- 5 FAM 332.1 "POLICY. DIPLOMATIC POUCHES ARE PROVIDED FOR THE TRANSMISSION INTERNATIONALLY OF OFFICIAL COMMUNICATIONS, DOCUMENTS, AND ARTICLES OF THE U.S. GOVERNMENT. IN ADDITION, THE DEPARTMENT PERMITS THE USE OF POUCHES BY U.S. CITIZEN EMPLOYEES FOR THE TRANSMISSION OF CERTAIN CLASSES OF PERSONAL MAIL, WHEN IT HAS

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DETERMINED THAT THE REGULAR POSTAL FACILITIES DO NOT MEET ACCEPTABLE STANDARDS FOR SPEED, RELIABILITY, ECONOMY, OR SECURITY OF SERVICE."

-- 5 FAM 332.2-2(2) "COMMUNICATIONS AND MATERIALS ARE INELIGIBLE FOR TRANSMISSION BY DIPLOMATIC POUCH IF ORIGINATED BY AN AGENCY OR INDIVIDUAL NOT AUTHORIZED TO USE POUCH FACILITIES, REGARDLESS OF ADDRESSEE."

-- 5 FAM 334.4, WHICH GIVES THE POST POUCH CONTROL OFFICER THE RESPONSIBILITY FOR ASSURING, AMONG OTHER THINGS THAT "THE SENDER IS A U.S. CITIZEN EMPLOYEE OF THE FEDERAL GOVERNMENT" AND THAT "THE ITEM DOES NOT CONTAIN ENCLOSURES FOR A THIRD PARTY, MERCHANDISE, CURRENCY, INFORMATION AFFECTING THE NATIONAL SECURITY, OR ANY OTHER MATERIAL PROHIBITED BY LAW OR REGULATION."

IN VIEW OF THE UNIQUE SITUATION IN THE SOVIET UNION, THE DEPARTMENT HAS AUTHORIZED A LIMITED EXTENSION OF POUCH USE TO U.S. CITIZENS RESIDING IN MOSCOW WHO ARE NOT EMPLOYEES OF THE FEDERAL GOVERNMENT. THESE PERSONS INCLUDE JOURNALISTS, BUSINESSMEN AND SCIENCE AND CULTURAL

EXCHANGEES. THEY AND THEIR FAMILIES MAY USE THE POUCH FACILITIES FOR LETTER MAIL, PERIODICALS, NEWSPAPERS, BOOKS, PRINTED MATERIALS AND EYEGLASSES, BUT MAY NEITHER SEND NOR RECEIVE MAIL ON BEHALF OF OTHER INDIVIDUALS. PACKAGES CONTAINING BOOKS OR PRINTED MATERIALS MUST BE CLEARLY MARKED AND MUST ORIGINATE FROM THE INDIVIDUAL'S EMPLOYING

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OR SPONSORING ORGANIZATION. IF THERE IS NO CENTRAL ORGANIZATION, AS IN THE CASE OF SCIENCE AND TECHNICAL EXCHANGE PERSONNEL, THEY MAY NOT RECEIVE PACKAGES OF BOOKS OR PRINTED MATERIALS, BUT MAY INSTEAD RECEIVE OFFICIAL MATERIALS SENT IN CARE OF AN APPROPRIATE SECTION OF THE EMBASSY, WHICH INSPECTS THE MATERIALS BEFORE DELIVERY TO THE EXCHANGEES.

MATERIAL FROM PRIVATE SOVIET CITIZENS IS HANDLED AS FOLLOWS:

-- ANY MESSAGE ADDRESSED TO AN OFFICIAL OF THE U.S. GOVERNMENT IS ACCEPTED FOR DELIVERY AND TRANSMITTED TO THE ADDRESSEE.

-- LETTER MAIL TO MEMBERS AND COMMITTEES OF CONGRESS IS ACCEPTED FOR DELIVERY AND TRANSMITTED TO THE ADDRESSEE WITHOUT VERIFICATION OF CONTENTS AND WITHOUT OPENING.

-- PERSONAL DOCUMENTS WHICH THE SENDER WISHES TRANSMITTED ABROAD TO AN UNOFFICIAL ADDRESSEE ARE NOT ACCEPTED, SINCE THIS WOULD CLEARLY VIOLATE THE PURPOSE AND STATUS OF THE DIPLOMATIC POUCH.

-- DOCUMENTS OF INTRINSIC INTEREST TO THE USG (E.G., SAMIZDAT) INTENDED FOR PERSONS OUTSIDE THE USG ARE ACCEPTED

ONLY WITH THE EXPLICIT UNDERSTANDING THAT ACCEPTANCE IS
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FOR THE PURPOSE OF INFORMING THE USG OF THEIR CONTENTS AND
NO COMMITMENT CAN BE MADE THAT THEY WILL OR CAN BE
DELIVERED TO PERSONS OUTSIDE THE USG. IN PRACTICE, THESE
DOCUMENTS ARE TRANSMITTED UNDER COVER OF A CLASSIFIED,
OFFICIAL-INFORMAL LETTER TO THE DIRECTOR, EUR/SOV.

AS CAN BE SEEN FROM THE ABOVE GUIDELINES, THE EMBASSY
AND THE DEPARTMENT HAVE LIBERALLY INTERPRETED THE
APPLICABLE INTERNATIONAL TREATIES AND DEPARTMENTAL
REGULATIONS IN THE INTEREST OF FURTHERING U.S. FOREIGN
POLICY INTERESTS AND ASSISTING U.S. CITIZENS
RESIDING IN THE SOVIET UNION. NEVERTHELESS, THE EMBASSY
REGULARLY RECEIVES REQUESTS TO DO EVEN MORE. SOME OF
THESE REQUESTS ARE EASY TO REFUSE - FOR EXAMPLE, THOSE
INVOLVING SHIPMENT OF ITEMS SUCH AS CURRENCY AND WORKS OF
ART IN CONTRAVENTION OF SOVIET CUSTOMS REGULATIONS. OTHERS
ARE EXTREMELY DIFFICULT - SUCH AS WHEN THE EMBASSY IS ASKED
ON HUMANITARIAN GROUNDS TO USE ITS POUCH FACILITIES FOR
THE EXCHANGE OF PERSONAL MAIL BETWEEN A SOVIET
CITIZEN HERE AND HIS FAMILY IN THE UNITED STATES.

THE EMBASSY'S POLICY, WITH ONLY RARE EXCEPTIONS, IS TO
REFUSE ALL REQUESTS BY BOTH NON-U.S. CITIZENS AND VISITING
U.S. CITIZENS TO USE THE POUCH FOR STRICTLY PERSONAL
PURPOSES. SUCH USE OF THE POUCH WOULD GO FAR BEYOND THE
MOST LIBERAL INTERPRETATIONS OF SHIPPING "DIPLOMATIC DOCU-
MENTS OR ARTICLES INTENDED FOR OFFICIAL USE." IT COULD
NOT BE DEFENDED UNDER INTERNATIONAL LAW OR DEPARTMENTAL
REGULATION IF CHALLENGED BY THE SOVIET AUTHORITIES, WHO
ARE AWARE OF THE EXTENT TO WHICH CURRENT EMBASSY POLICY
ON POUCH USE GOES BEYOND GENERALLY ACCEPTED INTERNATIONAL
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